

# SENATE RECORD VOTE ANALYSIS

105th Congress  
2nd Session

Vote No. 147

May 22, 1998, 3:43 p.m.  
Page S-5417 Temp. Record

## HIGHWAY REAUTHORIZATION (TEA 21)/Conference, Passage

**SUBJECT:** Conference report to accompany the Transportation Equity Act for the 21st Century (TEA 21) . . . H.R. 2400. Agreeing to the report.

### ACTION: CONFERENCE REPORT AGREED TO, 88-5

**SYNOPSIS:** The conference report to accompany H.R. 2400, the Transportation Equity Act for the 21st Century, will authorize a total of \$216 billion over 6 years for surface transportation projects. Most of that spending will be provided as contract authority, which is a form of direct spending the outlays for which are counted under discretionary outlay budget caps and are limited by annual obligation limits set in appropriations bills. Under the Federal-Aid Highway Program, each State will receive an annual allocation of no less than 90.5 percent of the amount that it pays in gas taxes for the program. \$173 billion in funding will be provided for highways, and approximately \$2 billion will be provided for highway safety. Funding will be on-budget, but firewalls will be created around the transportation trust funds. For the first time, annual highway funding will be directly tied to the previous year's gas tax receipts. If outlays are lower, then the firewalls will require the difference to be used for deficit reduction instead of spent. Outlays in a year may exceed the previous year's receipts to the extent there is available contract authority and to the extent possible under the discretionary outlay cap. An estimated 400,000 new jobs will be created by the bill, and 1.6 million existing transportation-related jobs will be preserved.

Apportionment formulas:

- apportionment formulas will be based on current transportation measurements in each State instead of on historical measurements; and
- each State will receive a minimum allocation of 90.5 percent of the total annual taxes it pays to the Highway Trust Fund (the last bill gave a minimum allocation of 90 percent on only 80 percent of the taxes paid).

Mass transit:

- approximately \$41 billion will be authorized, including in discretionary funds from the general fund of the Treasury;
- funding will be provided for transit programs for low-income people to assist them in getting to employment; for related

(See other side)

YEAS (88)				NAYS (5)		NOT VOTING (7)	
Republican (49 or 92%)		Democrats (39 or 98%)		Republicans (4 or 8%)	Democrats (1 or 3%)	Republicans (2)	Democrats (5)
Abraham	Hatch	Akaka	Johnson	Gorton	Wellstone	McCain- <sup>2AN</sup>	Bumpers- <sup>2</sup>
Allard	Helms	Baucus	Kerrey	Kyl		Murkowski- <sup>2</sup>	Ford- <sup>2</sup>
Ashcroft	Hutchinson	Biden	Kerry	Roth			Inouye- <sup>2</sup>
Bennett	Hutchison	Bingaman	Kohl	Specter			Kennedy- <sup>2AY</sup>
Bond	Inhofe	Boxer	Landrieu				Torricelli- <sup>2</sup>
Brownback	Jeffords	Breaux	Lautenberg				
Burns	Kempthorne	Bryan	Leahy				
Campbell	Lott	Byrd	Levin				
Chafee	Lugar	Cleland	Lieberman				
Coats	Mack	Conrad	Mikulski				
Cochran	McConnell	Daschle	Moseley-Braun				
Collins	Nickles	Dodd	Moynihan				
Coverdell	Roberts	Dorgan	Murray				
Craig	Santorum	Durbin	Reed				
D'Amato	Sessions	Feingold	Reid				
DeWine	Shelby	Feinstein	Robb				
Domenici	Smith, Bob	Glenn	Rockefeller				
Enzi	Smith, Gordon	Graham	Sarbanes				
Faircloth	Snowe	Harkin	Wyden				
Frist	Stevens	Hollings					
Gramm	Thomas						
Grams	Thompson						
Grassley	Thurmond						
Gregg	Warner						
Hagel							

#### EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

#### SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

debate, see vote No. 25; and

- a pilot program will be started in Oklahoma to allow assistance under the mass transit account of the Highway Trust Fund to be used for capital improvements to, and operating support for, intercity passenger rail service.

Safety provisions:

- highway safety programs will be amended and reauthorized;
- the Department of Transportation will propose new airbag regulations to minimize the risk to infants, children, and others;
- \$500 million over 6 years will be provided in grants to States that increase seat-belt usage rates;
- \$500 million over 6 years will be given in grants to States that adopt laws lowering their definitions for drunk driving to a blood alcohol content of .08 percent (for related debate, see vote Nos. 20-21);
- grants of \$140 million over 6 years will be given to States that meet certain criteria for programs to combat drunk driving;
- the current ban on longer combination trucks will be continued; and
- the Federal Government will be barred from lobbying State governments on motorcycle helmet laws.

Tax and budget provisions:

- existing transportation taxes and tax credits will be extended through September 30, 2005, all of the gas tax will be dedicated to transportation projects, and transportation trust funds will be kept on budget but protected by firewalls;
- offsets include \$15.4 billion from denying veterans' disability payments for smoking-related illnesses (smoking illnesses will be placed in the same category as drug or alcohol abuse illnesses; very few smoking-related disability benefits have been paid to date) and \$2.3 billion in cuts from social service block grants; an additional \$600 million in new veterans' benefits will be given;
- ethanol tax exemptions will be extended (through September 30, 2007 for the excise tax reduction and through December 31, 2007 for the income tax credit; for related debate, see vote No. 27);
- the 1.25 cents per gallon tax on fuel used by trains will be repealed; and
- the tax exemption for employer-provided transit passes will be increased.

Earmarked project funding:

- \$9.35 billion will be authorized for demonstration projects; \$7.7 billion of that amount will be for 1,506 special projects in House Members' districts, as requested by those particular Members; \$2.35 billion was made available in conference for distribution by Senators; that \$2.35 billion will be used primarily to provide adjustment payments to those States that receive less in transportation spending than they pay in transportation taxes, with the remainder to fund approximately 300 demonstration projects; projects that will receive funding include a project to replace the Woodrow Wilson Bridge between Virginia and Maryland (\$900 million of the estimated \$1.6 billion needed will be provided).

#### **Those favoring passage contended:**

Republican and Senate Democrats had less trouble coming to an agreement on the terms of this bill with each other than they did with House Members. House Members insisted on a great deal of funding for demonstration projects, and they also wanted to make transportation off-budget, entitlement spending. In the end, compromises were adopted. House Members received most of the demonstration project funding they desired, but they did not get to make transportation spending off-budget, entitlement spending. Instead, that spending will be subject to annual appropriations and protected by a firewall so that money collected for transportation cannot be spent on other purposes. Other key provisions in this bill include: States will be rewarded for adopting .08 blood alcohol content as their drunk driving definition instead of punished for failing to adopt that definition; each States' minimum return on the amount it pays in gas taxes will be increased to 90.5 percent; all money collected in gas taxes will be spent on transportation projects; the funding formulas will be changed to reflect current needs rather than historical allocations; and overall transportation funding for both highways and mass transit will be substantially increased. No Senator is totally satisfied with the provisions of this conference report, and particular issues, especially the firewall, may soon be revisited, but we are confident that nearly all Senators are pleased with the overall result and will vote in favor of passage.

#### **Those opposing passage contended:**

This conference report was only finished last night. We have very little idea of what exactly is in it, but what we do know we do not like. States like Arizona, which have greater transportation needs because they have larger empty expanses than most States, will continue to receive less back in transportation spending than they pay in taxes. States that have powerful Members of Congress will continue to receive higher than average allocations and demonstration projects. As usual, demonstration projects will be concentrated in districts of more influential Members. The Senate tried to hold the line against those projects but did not prevail, and ended up adding its own projects. We are also very worried that the firewall, for all practical purposes, will act like an entitlement, exceeded only in size by Medicare and Social Security. Our long-term insolvency is threatened due to entitlement spending; the last thing we should do is create new entitlements. Under the circumstances, we must vote against passage.